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COURT RULES—WHERE TO FIND THEM

HELEN VANGULPEN HARRIS

Research Librarian, University of California Law Library

PROFESSOR JOHN H. WIGMORE has complained, and justly so, that there is no special source to which one can refer for information on the rules of court. He says, "Must not something soon be done to supply the profession with an accessible, regular and independent source of publication for rules of court?"¹ His suggestion that the publishers of the National Reporter System start a new Reporter, viz: "Rules of Court Reporter," has not found favor with the West Publishing Company. In a letter dated February 6, 1939, I am advised that the company was "not undertaking to publish with the exception of the United States Supreme Court, the court rules in the *bound* volumes of the National Reporter System." However, the advance sheets of the Reporters do contain new rules and/or amendments to the old ones as they are adopted.

This system does not furnish an adequate source for court rules, in that the advance sheets are usually not preserved in libraries after the publication of the corresponding bound volumes. In fact, they do not usually survive the constant usage they receive in the meantime, and in most instances they contain only amendments and not a complete reprinting of the current rules of court. It is only when there has been an entire revision of the court rules of any particular state that they appear in their entirety in the Reporter advance sheets.

The State Reports either do not publish their respective court rules at all or (with few exceptions) do not do so regularly (e.g. California). It is suggested that the annual publication in the State Reports of the current rules of each state *in toto*, and not merely of the yearly amendments thereto, would go a long way toward the solution of this problem.

By reason of the adoption of the federal rules of civil procedure, a tremendous impetus has been given to the movement to transfer the rule-making power to the courts. As a consequence, in respect of several states, it is necessary to know where the court rules are published to find what their procedure is. In many states, the rules are no longer narrow in scope. The federal rules will have increasing effect upon the coming legislatures, so that regular publication of current rules of court will be essential to a knowledge of the procedure (both civil and criminal) which must be followed in many jurisdictions.

¹ 22 J. AM. JUR. SOC. 166. Research librarians as well as the Bench and Bar will join in the complaint.

At the present time, then, there is no single source of information on court rules. To print all these rules in their entirety would occupy more space than can be afforded by any one legal periodical. However, a list of references to sources where the rules may be found printed officially should prove helpful to both Bench and Bar and be the next best thing to publication of the rules themselves. Unfortunately, some courts (Alaska, Arizona, Arkansas, Canal Zone, U. S. Court for China, Delaware, Idaho, Indiana, Nebraska, New Hampshire (Supreme Court), Rhode Island, and Vermont) do not publish their rules other than in pamphlet form, which makes them practically inaccessible or involves delay in obtaining them, unless one already has the latest pamphlet in his collection or can find it in the nearest law library. In such instances, it has been necessary to indicate the source in the list below as "Pamphlet Form Only," but at least the searcher will know at once how to obtain such rules. The Boalt Hall Law Library at the University of California has most of these pamphlets on file for local use, and other law libraries might acquire them so as to make them available to the profession.

The following information on the sources of current court rules has been obtained through various means of legal research and from responses to letters sent to the Clerks of the highest courts of each state, territory, and dependency. It is up to date, as complete as it was possible to make it from the sources obtainable, and is offered with the hope that it may prove useful to the profession, and if so found, an effort will be made to republish it annually so that it may show all recent changes and become an available source of information on current court rules throughout the United States.²

The dates are given to show when the respective rules were adopted in the various states, territories, and dependencies, but the searcher need not be alarmed by their antiquity in certain instances, for, so far as can be ascertained, they are still operative and only serve to show that certain states do not change their court rules as frequently as others. The revision of court rules is an expensive and involved piece of work—witness, a recent appropriation of \$5,000 by the Texas Legislature for a proposed revision of Texas Court Rules.³

The following chart is limited to rules of practice and procedure. Bar rules have been omitted, as the sources for these are easily obtainable in any law library.⁴

² For information on the location of the rules of practice of Federal Administrative Agencies, see article by John H. Wigmore, 25 A.B.A.J. 25 (Jan. '39).

³ 2 TEX. BAR J. 198.

⁴ See pamphlet entitled "Rules for Admission to the Bar" published by West Publishing Co. 1940.

Chart of Court Rules—Where to Find Them

Court	Rules	Where Published
ALABAMA		
Supreme Court	All (1928) Rule A (1938)	Ala. Code (1928) p. 1928 (no changes shown in 1932 supp.) 234 Ala. xv
Court of Appeals	Same as Supreme Ct. with respect to the writing and publication of opinions.	Ala. Code (1928) Sec. 7321
Circuit and Inferior Courts of Law	All (1928) 15 (1935)	Ala. Code (1928) p. 1936 229 Ala. vii; also in 26 Ala. App. v
Chancery Practice	All (1928) 23 (1931)	Ala. Code (1928) p. 1940 222 Ala. xv
ALASKA		
U. S. District Court	All (1922)	Pamphlet form only.
District of Alaska, First Division, Juneau	New rules pending.	
ARIZONA		
Supreme Court	All (1937)	Pamphlet form only
Jan. 1, 1940, new Civil Procedural Code superseded all previous rules in that field; April 1, 1940, new Criminal Code took effect (23 J. Am. J. Soc. 174). See also article in 23 J. Am. J. Soc. 215.		
ARKANSAS		
Supreme Court	All (1937)	Pamphlet form only
CALIFORNIA		
Supreme and District Courts of Appeal	All (1939) 5 (3) Repealed 1939 22 (3) Added 1940	1 McKinney New California Digest xvii; Supplement (1939) p. 5 14 State Bar Journal 334 15 State Bar Journal 88
Superior Court (Appellate Department)	All (1939)	1 McKinney New California Digest xlv; Supplement (1939) p. 9
Superior Court	All (1939)	1 McKinney New California Digest xlix; Supplement (1939) p. 11
Municipal Courts	All (1939)	1 McKinney New California Digest xlix-c; Supplement (1939) pp. 13-50
Criminal Appeals from Inferior Courts	All (1939)	1 McKinney New California Digest Supplement (1939) p. 51; also, 11 State Bar Journal 56
CANAL ZONE		
U. S. Dist. Ct. (District of the Canal Zone)	All (1938)	Pamphlet form only
CHINA		
U. S. Court for China	Rules of Procedure Codified 1939	Pamphlet form only. (A. R. Hager, Publisher, Shanghai, China)
COLORADO		
Supreme Court	All (1929) 77, 84c (1930); 37a, 38 (1933); 11, 57, 59a (1934); 14c, 27a, 43, 44a, 64, 74, 83d (1935)	85 Colo. xvii Pamphlet form only
District Courts	Rules vary in different counties	Write clerk of particular District Court.
See 17 Dicta No. 5 (1940) for supplementary rules to Rules of the District Court.		

Court	Rules	Where Published
CONNECTICUT		
Supreme Court of Errors	All (1934)	ConnecticutPracticeBook(1934)
Trial Court Rules	All (1934)	ConnecticutPracticeBook(1934)
DELAWARE		
	Court rules in book form—latest edition printed over ten years ago—not available for distribution.	
DISTRICT OF COLUMBIA		
Court of Appeals	All (as of 1940)	11 U. S. Digest 205 and Pocke- Supp.; also in 8 Fed. Code Ann. 695 and 1940 Pocket Supp.
FLORIDA		
Supreme Court	All (1927) 32 (1928) 11, 20 (1930); 21 (1931) 21A (added 1932) 26 (1932) 1 (1937) 24, 25, 27 (1939); 34-37 (re- pealed 1939) 34 (1939) All (1927)	Comp. Gen. Laws of Fla. (1927) p. 345 95 Fla. 1-4 101 Fla. 1534 Not printed in reports 107 Fla. xxi 125 Fla. 535 124 Fla. 878, 882, 885 136 Fla. 907 Comp. Gen. Laws of Fla. (1927) p. 356
Circuit Courts (Law)	81 (1931) All (1931)	101 Fla. 1541 102 Fla. xxvii
(Equity)	All (1936)	122 Fla. 881
Common Law Rules	53, 54f, 74c, d; 88, 95, 96 (Sept. 1936)	124 Fla. 885
County Courts	All (1927)	Comp. Gen. Laws of Fla. (1927) p. 417
GEORGIA		
Supreme Court	All (1934) 14, 15 (1934) 4, 19a (1935) 28, 40, 41, 45, 49-55 (1939) 50 (1939)	178 Ga. V; also Code of Ga. (1933) p. 710 178 Ga. XVI 181 Ga. 853 187 Ga. 841 188 Ga. 868
Court of Appeals	All (1934)	48 Ga. App. VII; also Code of Ga. (1933) p. 689
Superior (Law) Courts	4 (1939) All (1933)	58 Ga. App. XLII Code of Ga. (1933) p. 672
(Equity)	7-9, 21 (repealed 1937) All (1933) 5, 6, 8 (repealed 1937)	Gen. Laws (1937) p. 464 Code of Ga. (1933) p. 684 Gen. Laws (1937) p. 464
HAWAII		
Supreme Court	All (1939)	34 Haw. 956
IDAHO		
Supreme Court	All (1933); 35a, 54a (1936); 45 (1938)	Pamphlet form only
ILLINOIS		
Supreme Court	All (1938)	370 Ill. 13
Appellate Court Dist. 1	All (1938)	293 Ill. App. xiii
Dist. 2	All (1938)	295 Ill. App. xiii
Dist. 3	All (1938)	294 Ill. App. xiii
Dist. 4	All (1938)	294 Ill. App. xiii
Claims	All (1934)	9 Ill. Ct. Claims v

Court	Rules	Where Published
INDIANA		
Supreme and Appellate Courts	Revised Rules Adopted June 21, 1937	Pamphlet form only
Statutory Rules	"All rules of practice and procedure adopted by statutory enactment and in force as of this date are adopted as rules of this court, except the rules adopted and enacted in chapters 76 and 185 of the Acts of the 80th General Assembly (1937), which are hereby abrogated. All rules that were in effect under statutes repealed by chapter 185 are hereby adopted as rules of practice and procedure and are in full force and effect." (Pamphlet of Supreme and Appellate Court Rules (1937) p. 4).	
April 17, 1940, the Supreme Court sanctioned a few changes based upon the new federal rules to become effective September 2, 1940 (see 24 J. Am. J. Soc. 24).		
IOWA		
Supreme Court	All (effective 1936)	Code of Iowa (1935) p. 1879
District Courts	Each judicial district has its own rules	Write clerk of particular District Court
KANSAS		
Supreme Court (including those relating to district courts)	All (1938)	147 Kan. xiii
KENTUCKY		
Court of Appeals	All (1932) Latest rules (1939) Likelihood that a bill to confer rule-making power will be enacted this year (1940) 23 J. Am. J. Soc. 202.	Carroll's Codes (1932) p. 446 Pamphlet form only to date
LOUISIANA		
Supreme Court	All (1939)	191 La. xxxvii; also 1 La. Gen. Stats. (1939) 630.
Court of Appeal 1st. Cir.	All (1929-30)	11 La. Cts. of Appeal Rep. 769
District courts other than appeal from justice of the peace courts	All (1932)	1 La. Gen. Stats. (1939) 669
Civil District Court for Parish of Orleans	All (1937)	Pamphlet form only.
MAINE		
Supreme Judicial and Superior Courts	All (1931) 41 (1933) 43 (1934)	129 Me. 503 131 Me. 512 133 Me. 540
Rules applicable only to proceedings in Supreme Judicial Court	1-6 (1931)	129 Me. 523
Equity (Revised)	All (1931) 22 (1933)	129 Me. 526 131 Me. 512
Probate Rules	All (1932)	130 Me. 527
MARYLAND		
Court of Appeals	All (Same in 1933 with indicated changes) 7, 12, 25, 36, 39 (1933); 43 (1) (1935); 24 (1936)	134 Md. 3 Pamphlet form only for changes since 1933.
General Equity Rules	All (Same in 1933)	134 Md. 26
MASSACHUSETTS		
Supreme Judicial Court	All (1926) 12 (1934) 1-3 (1939)	252 Mass. 585 Pamphlet form only. 1939 *A. S. 1015

Court	Rules	Where Published
Common Law	All (1926) 33 (1933) 8, 30 (1936) 4, 29 (1939)	252 Mass. 589 288 Mass. 569 1936 *A.S. 1563, 1875 1939 *A.S. 647, 1819
Equity	All (1926) 12 (1937) 8 (1939)	252 Mass. 600 1937 *A.S. 1485 1939 *A.S. 1274 *Mass. Advance Sheets (1939)
MICHIGAN		
All Courts	All (Jan. 1, 1939)	Michigan Court Rules published in 17 Mich. State B. J. p. 5, separate paging. See also 287 Mich. xxxvii for amendments effective Jan. 1, 1939.
	13 (3); 14 (4); 60 (6a and 6b) (Feb. 2, 1939)	18 Mich. State B. J. 51; See also 287 Mich. xxxvii for amendments effective February 2, 1939.
Probate Rules	All (1933)	Michigan Court Rules published in 17 Mich. State B. J. p. 80, separate paging.
MINNESOTA		
Supreme Court	All (1939)	200 Minn. xxvi
District Courts	All (1936)	3 Mason's Minn. Stats. 1058 (1936 Supp.)
Probate Courts	All (As of 1936)	2 Mason's Minn. Stats. 2143
MISSISSIPPI		
Supreme Court	All (As of 1931) 21a and order of 6/3/35 only new rules since 1931.	161 Miss. 903 (1931) Pamphlet form only at present for changes since 1931.
MISSOURI		
Supreme Court	All (1939) 15 (cl. 2) Am'd. 11/7/39	343 Mo. i (back) Not printed yet
Court of Appeals		
Kansas City	All (As of 1939)	233 M. A. i (back)
St. Louis	All (As of 1939)	233 M. A. viii (back)
Springfield	All (As of 1939)	233 M. A. xvi (back)
MONTANA		
Supreme Court	All (1936) I (2) Am'd.; 24 repealed (1938) IX (3) (1939)	101 Mont. xvii 107 Mont. xvii 107 Mont. xvii
NEBRASKA		
Supreme Court	All (1938)	Pamphlet form only. (Do not appear in Neb. reports)
NEVADA		
Supreme Court	All (1938)	4 Nev. Compiled Laws (1929) p. 2466 and Pocket Supp.
District Courts	All (1938)	4 Nev. Compiled Laws (1929) p. 2474 and Pocket Supp.
NEW HAMPSHIRE		
Supreme Court	All (1938)	Pamphlet form only.
Superior Court	All (1918, Current)	78 N. H. 689

Court	Rules	Where Published
NEW JERSEY		
Court of Errors and Appeals	All (1937)	16 N. J. Misc. 563
Court of Pardons	All (1938)	16 N. J. Misc. 555
Court of Chancery	All (1938) 261, 1853, 296 (1939)	16 N. J. Misc. 585 17 N. J. Misc. 409
Prerogative Court	All (1935)	16 N. J. Misc. 779
Orphans Courts	All (1934)	16 N. J. Misc. 809
Supreme Court	All (1938)	16 N. J. Misc. 837
NEW MEXICO		
Supreme Court	All (1936) III (3, 5) (1936); XXV (1937) I (2) (1938); III (6), V (6) (1937)	39 N. M. vii 40 N. M. vii, viii 41 N. M. vii
Procedure in Criminal Cases	All (1929) Changes 1934-1937 (1933) Existing Code of Procedure adopted as rules of court with some amendments applies to criminal as well as civil procedure and includes evidence (38 N. M. vii).	N. M. Stats. Ann. (1929) Com- pilation) p. 688 38 N. M. viii-xx; 39 N. M. xxx- xxxiv; 40 N. M. ix-xiii; 41 N. M. viii-ix
NEW YORK		
Court of Appeals	Rules of Practice All (1939)	Book XI Gilbert-Bliss Civil Practice of N. Y. Ann. page 1 and Supp.
Supreme Court	All (1938) Watch for Recompiled Book X Gilbert-Bliss Civil Practice of N. Y. Ann. which will include late 1938 and 1939 Amendments and amendment to Rule 294 adopted Jan. 15, 1940.	Book X Gilbert-Bliss Civil Practice of N. Y. Ann. p. 1 and Supp.
Appellate Divisions and Misc. Ct. Rules	All (1939)	Book XII Gilbert-Bliss Civil Practice of N. Y. Ann. p. 1 and Supp.
Court of Claims	All (1939)	Book XVI Gilbert-Bliss Civil Practice of N. Y. Ann. p. 35 and Supp.
NORTH CAROLINA		
Supreme Court	(1, 2, 3, 3(A), 3(B), 3(C) obso- lete; 4-47 (1937) 22, 26 (1939)	213 N. C. 808 215 N. C. 800
Superior Court	All (1937)	213 N. C. 836
NORTH DAKOTA		
Supreme Court	All (1920, Current) 17(a) (1923)	41 N. D. 692; also in 180 N. W. VII Pamphlet form only.
District Courts	Arts. I-III (1920) Current with following excep- tions: Art. I, Sec. 5 (Am'd. 1928); Sec. 7 (Am'd. 1923); Sec. 8 (Am'd. 1928); Art. III rule 15½ (adopted 1922); rule 19 (adopted 1921)	41 N. D. 705 Pamphlet form only.
Recodification Act of 1939 (Chap. 110, 1939 Laws) created Code Revision Commission to pre- pare "a complete set of rules of practice and procedure for all the courts of this State. . ."		

Court	Rules	Where Published
OHIO		
Supreme Court	All (1936)	130 Ohio lxix; Baldwin Civil Practice Manual Pt. III; Crim. Prac. Manual Pt. III
	VIII (1936); XIV (1937)	132 Ohio lxix
Courts of Appeals	All (1935)	50 Ohio App. R. xlix
	XV (adopted 1936)	52 Ohio App. R. xlix
Courts of Common Pleas	No uniform rules	Rules obtainable from clerk of particular court.
Probate Courts	All (Current)	Adams & Hosford, Ohio Probate Practice and Procedure (2d ed.) Secs. 10501-13
OKLAHOMA		
Supreme Court	All (1936)	177 Okla. v; also in 9 Okla. St. B. J. 173
Probate	1-18 (1917)	47 Okla. xiv
	19 (1918)	75 Okla. v
Criminal Ct. of Appeals	All (1932)	44 Okla. Crim. R. v
OREGON		
Supreme Court	All (1935)	154 Or. 681
	39 (1) (b) (1938)	Pamphlet form only.
State Bar Committee has drafted new rules that follow closely the federal rules, but adoption is still uncertain (See 24 J. Am. J. Soc. 26).		
PENNSYLVANIA		
Supreme Court and all non-appellate	All (1939); Rules of Court	332 Penn. xliv
Civil Courts of Record	Rules of Civil Procedure	332 Penn. lxii
	2034 (1939)	335 Penn. lv
	2301-2318, 2324-2325 (1940)	335 Penn. xxiv
By authority of the legislature, the operation of statutes inconsistent with rules prescribed by the Supreme Court is suspended. (Art. 1, Sec. 12, Constitution of Penn.)		
PHILIPPINE ISLANDS		
Supreme Court	All (1933)	55 Phil. R. xxiii
	47 (1936)	58 Phil. R. x
	Additional unnumbered rules (1936)	59 Phil. R. xxxvii
Courts of First Instance	All (1933)	56 Phil. R. lxi
Review of Cases taken from Pub. Ser. Commission to Supreme Court	All (1933)	56 Phil. R. lxxxi
PUERTO RICO		
Supreme Court	All (1908, Current)	17 P. R. LXVII
	40a (1910); 24 (1911)	17 P. R. LXXXIV, LXXXVI
	6, 23 (1915); 3, 44, 92a (1916)	23 P. R. LVIII-LX
	40c (1928)	37 P. R. LII
	40d, e (1929)	39 P. R. VII
RHODE ISLAND		
Supreme Court	All (1932); 9 (1937)	Pamphlet form only.
On Feb. 19, 1934, the Supreme Court adopted the following four rules, which supersede statutory regulations with which they conflict:		
(1) General Laws (1923) Chap. 339 Sec. 36; Chap. 348 Sec. 5		
(2) General Laws (1923) Chap. 365 Sec. 3 (second proviso)		
(3) Exception to rulings and decisions after judgment		
(4) Exceptions to decisions in cases referred to auditors		
Completed draft of new rules by State Bar Association in process of adoption. (See 24 J. Am. J. Soc. 25).		

Court	Rules	Where Published
SOUTH CAROLINA		
Supreme Court	All (1936)	179 S. C. 531
Circuit Courts	All (1932)	1 Code of Laws of S. C. 1241
Probate Courts	All (1932)	1 Code of Laws of S. C. 1237
SOUTH DAKOTA		
Supreme Court, Circuit Court, County Courts, Municipal Courts	Judicial Procedure - Civil and Criminal - General Provisions - all courts (July 1, 1939)	S. D. Code (1939) Titles 32-37 both inclusive.
TENNESSEE		
Supreme Court	All (1938)	173 Tenn. 863
Rules for Preparation of Transcripts in criminal cases	All (1938)	173 Tenn. 892
Chancery Rules	All (1932)	Code of Tenn. (1932) p. 2223
Court of Appeals	All (1934)	17 Tenn. Appeals Rep. i (back)
TEXAS		
Supreme Court	All (1931) 15 (1937); 1 (d) (1938) 4, 5a (1939)	121 Texas 743 126 Tex. v; 130 Tex. v 131 Tex. v
District and County Courts	All (As of 1938) 71a, 95 (1937) 101, 101a	104 Tex. 659 126 Tex. vii 126 Tex. vii
Certain District Courts	Special Rules	Vernon's Tex. Stats. (1936) pp. 454-456
Courts of Civil Appeals	All (1912) 29-40 (1921) 41-45 (repealed) 50 (1934) 2, 24, 36 (1936)	104 Tex. 647 111 Tex. XXVII 111 Tex. XXVII 124 Tex. iv 126 Tex. vi
Court of Criminal Appeals	1-2 (Procedure as of 1938) Other rules I-XII (1925)	104 Tex. 659 Pamphlet form only.
Texas Rules of Court also appear in Moffet's Texas Form Book, 7th ed.		
UNITED STATES		
Supreme Court	All (1939)	306 U. S. 671; also 11 U. S. Digest 5; 8 Fed. Code Ann. 588 and 1940 Pocket Supp.
Circuit Courts of Appeals	All (1939)	11 U. S. Digest 225-325 and Pocket Supp., also 8 Fed. Code Ann. 602 and 1940 Pocket Supp.
District Courts	All (1938)	11 U. S. Digest 359 and Pocket Supp.; also 8 Fed. Code Ann. 708 and 1940 Pocket Supp.
Court of Claims	All (As of 1940)	11 U. S. Digest 185; also 8 Fed. Code Ann. 754.
Court of Customs and Patent Appeals	All (As of 1940)	8 Fed. Code Ann. 765
U. S. Customs Court	All (As of 1940)	8 Fed. Code Ann. 771
For current Admiralty Rules, Copyright Rules, General Orders in Bankruptcy and Criminal Procedure, see 11 U. S. Digest pp. 59, 85, 91, (also 305 U. S. 677), and 559 respectively.		
UTAH		
Supreme Court	All (As of 1939)	85 Utah vii
District Courts	No uniform rules of practice at present	Write clerk of particular District Court.

Court	Rules	Where Published
VERMONT		
Supreme Court	All (1936); 25 (1938)	Pamphlet form only.
County Court	All (1936)	
Court of Chancery	All (1936)	
VIRGINIA		
Supreme Court of Appeals	All (1939)	172 Va. lx
WASHINGTON		
Supreme Court	All (1938)	193 Wash. 3a; also 1 Rem. Rev. Stat. (1939 Supp.) p. 49
	Pleading, Procedure - Practice (1938)	193 Wash. 39a; also 2 Rem. Rev. Stat. (1939 Supp.) p. 42
Superior Courts	General Rules, All (1938)	193 Wash. 55a; also 1 Rem. Rev. Stat. (1939 Supp.) p. 75
WEST VIRGINIA		
Sup. Ct. of Appeals	All (1934)	114 W. Va. lxvii
Trial Courts	All (1936)	116 W. Va. lix
WISCONSIN		
Supreme Court	All (1937) Wis. Stats.: Sec. 235.60; 256.28 (1) (2); 269.38; 269.57 (2); 270.59; 270.79 (2); 270.93; 271.17 (2); 278.10 (1); 302.34 (1); 313.05 (3); 326.09 (2); 326.26 (3); (1939) Sec. 251.56; 267.01 (3); 269.65 (1) (2); 324.18; 310.04; 310.11; 311.03; 313.14 (1) is amended by substituting 324.18 therein for 324.20; 313.21; 314.05; 315.03; 316.03; 316.04 and 316.05 repealed; 316.23 (2); 316.35; 317.10; 317.11; 318.06 (7); 318.08 (2); 318.12; 323.05; 323.06; 324.22 (1); 326.14; 327.22 (1); (Effective Jan. 1, 1940)	Wis. Stats. (1937) p. 2385 229 Wis. v. 12 Wis. State Bar Bull. No. 4 (Supp.) separate paging 1-7
Circuit Court Rules	Indexed as such	Wis. Stats. (1937) p. 2391
County Ct. Rules	Indexed as such	Wis. Stats. (1937) p. 2401
WYOMING		
Supreme Court	All (1930) Addition to Rule 15 concerning W. C. Cases (1933)	42 Wyo. 529 Pamphlet form only.
District Courts		Write particular district.

CANADIAN COURT RULES*

WILLIAM B. STERN

Cataloger, Los Angeles County Law Library

UNLIKE the rules of courts in the United States, those for the highest courts of Canada, her provinces and territories are, generally speaking, not contained in the volumes of the official sets of court reports. Originally, the Canadian practice rules were based on the English rules.¹ Later, the Ontario court rules attained a certain degree of preeminence among the provincial court rules and served as a sample for the practice rules in other provinces. In recent years, the promulgation of new rules has been preceded by thorough studies of the subject matter. So, *e.g.*, we are told² that a committee of the Manitoba Bar Association for the improvement of court procedure held weekly meetings for no less than four years before it considered its purpose achieved. Also in other provinces, the Judicature Acts and the Practice Rules established on the basis of these acts, have undergone considerable changes in recent years.

The new rules were usually made available in book form after their publication in the official Gazette of the province in question. Amendments to the rules are sometimes found in statute citators and sometimes in the series of reports. This way of publication is quite an advance over the old procedure as, *e.g.*, formerly practiced in Manitoba where some of the old rules are available only in manuscript books treasured by courts and libraries.³

The details for the presently valid court rules are outlined in the following chart.

Chart of Canadian Court Rules

Name of Court	Court Rules	Publisher and Price
CANADA		
Supreme Court	Rules of the Supreme Court of Canada, 1929, prepared by E. R. Cameron (<i>New edition to be published in 1939 Index of Canada Law Reports</i>) The Supreme Court of Canada, Practice and Rules, by E. R. Cameron, 3d ed., 1924 Supplement, 1931 1937 Supplement to Rules in 1937 Canadian Law Reports	Registrar of the Supreme Court. Out of print Carswell, \$12.50 Carswell, \$10.00
Exchequer Court	General Rules and Orders, 1931; Amendments of 1931, 1933, and 1934	King's Printer, Ottawa, \$\$.50

* Grateful acknowledgment is made of the kind cooperation of Mr. Robert Brown, of The Carswell Company, Limited, Toronto, and of those Canadian law librarians who collaborated in the collection of data for the following chart.

¹ See, *e.g.*, CAN. REV. STAT. 1927, c.35, s.63 (38 Vict. (1875), c.11, s.24): "Proceedings in appeals shall, when not otherwise provided for by this Act, or by the general rules and orders to be made in pursuance hereof, be as nearly as possible in conformity with the present practice of the Judicial Committee of Her Majesty's Privy Council."

² A. J. Christie, *Rules of the Court of Appeal*, 6 MANITOBA BAR NEWS, no. 9 (May 1934) p.8.

³ A.C.C., *Practice Rules Prior to 1895*, 2 MANITOBA BAR NEWS, no. 6 (February 1930) p. 1.

Name of Court	Court Rules	Publisher and Price
	General Rules and Orders in Admiralty, 1939	King's Printer, Ottawa, \$.50
	Bankruptcy Rules, in <i>The Bankruptcy Act, with Amendments, Forms, Rules . . . 1933</i>	King's Printer, Ottawa, \$1.00
ALBERTA		
Supreme Court	The Alberta Rules of Court, 1914, amended to September 1st, 1923. Loose leaf amendments to date	King's Printer, Edmonton, \$5.00; amendments free
BRITISH COLUMBIA		
Court of Appeal	Court of Appeal Rules, 1925	King's Printer, Victoria, \$.25
	Court of Appeal Rules Amendments, 1935	King's Printer, Victoria, \$.25
Supreme Court	Supreme Court Rules, 1925 (<i>contains also Court of Appeal Rules</i>)	King's Printer, Victoria, \$5.00
	Supreme Court Rules Amendments, 1938	King's Printer, Victoria, \$.25
	<i>Other amendments are contained in 16 numbers of the British Columbia Gazette</i>	
MANITOBA		
Court of King's Bench	King's Bench Rules, 1939	King's Printer, Winnipeg, \$3.00
Court of Appeal	Rules of Court, in Manitoba Gazette, April 14, 1934	Reprint, free of charge from King's Printer
	Rules Governing Criminal Appeals and Forms, 1935	Reprint, free of charge from King's Printer
	<i>Amendments to the Rules of this court are published from time to time in the Manitoba Gazette</i>	
NEW BRUNSWICK		
Supreme Court	The Judicature Act of New Brunswick and Rules of Court, 1927	King's Printer, Fredericton, \$4.00
NOVA SCOTIA		
Supreme Court	The Judicature Act and Rules of the Supreme Court of Nova Scotia, 1920	Commissioner of Public Works and Mines, King's Printer, Halifax, \$7.50
ONTARIO		
Supreme Court	The Rules of Practice and Procedure of the Supreme Court (in Civil Matters), 1928, ¹	King's Printer, Toronto, \$1.50.
	Amendments in loose leaf form and in Ontario Statute Citators for 1927-1937 and 1938	
	Rules in Matrimonial Cases, in loose leaf form and in Ontario Statute Citator for 1939	
	Rules under the Criminal Code: Criminal Appeal Rules, 1923	Attorney - General's Department, Toronto, free distribution
	Rule re Disposition of Exhibits, 1928	
	Certiorari Rules, in 16 Ontario Law Reports 667	

¹The Rules took practically their present form in 1913 when they were published in "The Rules of Practice and Procedure of the Supreme Court of Ontario (in Civil Matters)." Toronto, L. K. Cameron, 1913. The 1913 Rules are also covered by G. S. Holmsted, *The Judicature Act of Ontario . . . and the Consolidated Rules of Practice and Procedure of the Supreme Court of Ontario of 1913 . . . 4th ed.*, Toronto, The Carswell Company, Ltd., 1915 (5th ed., by D. A. MacRae, in process of publication).

Name of Court	Court Rules	Publisher and Price
PRINCE EDWARD ISLAND Supreme Court	The Judicature Act and Rules of Court, 1929	King's Printer, Charlottetown; available on exchange from Legislative and Public Library, Charlottetown
QUEBEC Superior Court	Rules of Practice, in Quebec Official Gazette, v. 61, p. 1227; reprinted, inter alia, in Grigg's Code of Civil Procedure, 1935 and Casey's Code of Civil Procedure, 1939	
Circuit Court	Rules, inter alia, in Grigg's Code of Civil Procedure, 1935 and Casey's Code of Civil Procedure, 1939	
Court of King's Bench	Rules of Practice, in Quebec Official Gazette, v. 66, p. 2121; reprinted, inter alia, in Grigg's Code of Civil Procedure, 1935 and Casey's Code of Civil Procedure, 1939	
SASKATCHEWAN Court of King's Bench	The Consolidated and Revised Orders and Rules of the Court of King's Bench, 1921 (<i>In process of revision</i>)	King's Printer, Regina; free distribution
YUKON TERRITORY, ² Territorial Court	Consolidated Ordinances of 1914, p. 418	

CURRENT COMMENTS

The Toronto Meeting

Sidney B. Hill, assistant librarian, Association of the Bar of the City of New York, was named President-elect for 1941-42 of the American Association of Law Libraries at its Thirty-fifth Annual Meeting in Toronto, Canada, June 26-29, 1940. Lewis W. Morse, law librarian, Cornell University, elected at the San Francisco meeting, automatically assumed the Presidency for 1940-41 succeeding Arthur S. Beardsley, law librarian, University of Washington, who headed the Association with distinction during 1939-40. Other officers elected include: Executive-Secretary and Treasurer Helen Newman, law librarian, The George Washington University, and the Executive Committee members, Alice Magee, state librarian of Louisiana, Helen G. Ross, librarian, Duluth Bar Library Association, George A. Johnston, librarian, Law Society of Upper Canada and the retiring President, Dr. Beardsley.

With approximately one hundred members and their guests in attendance, a program of constructive addresses, reports and round table discussions, and the many acts of gracious hospitality on the part of our Canadian hosts the Toronto meeting is now on record as one of the most successful and enjoyable conventions in the history of the Association. The complete proceedings of the meeting together with all addresses, papers, and reports will be published in the September, 1940, number of the LAW LIBRARY JOURNAL.

² According to the Revised Statutes of Canada of 1927, v.4, c.215, s.78 and 118, the Court of Appeals of British Columbia handles the appeal cases in civil matters from the Yukon Territory, whereas criminal appeals go to the Supreme Court of Canada.

Judicial Council Reports To Be Indexed in Index to Legal Periodicals

The *Index to Legal Periodicals* will index currently all Judicial Council Reports according to a recent announcement made by Professor Eldon R. James, librarian of the Harvard Law School and editor of the *Index to Legal Periodicals*. This current indexing service will supplement and keep up to date the valuable and complete *Index to State Judicial Council Reports* prepared by Helen S. Moylan, law librarian of the State University of Iowa, printed at pages 48-93 of the *Annual Handbook of the National Conference of Judicial Councils* (vol. II, May, 1940). Arrangements are being made between Paul B. De Witt, former assistant secretary of the American Judicature Society and Helen Newman, executive secretary of the American Association of Law Libraries, to distribute free of charge bound copies of the Handbook to libraries which are institutional members of the A.A.L.L. Copies will also be sent to individual members not represented in the Association through an institutional membership.

Features of Program of Round Table on Library Problems Announced

The sample card catalog for the library of 15,000 volumes (see L.LIB.J.32:91 March 1939) prepared at Columbia University under the direction of Miles O. Price, law librarian, will be exhibited and explained by Mr. Price at the Round Table on Library Problems of the Association of American Law Schools at its annual meeting at the Edgewater Beach Hotel in Chicago in December. The Round Table scheduled to be held at 8 P.M. on Friday evening December 27th in the Berwyn Room will also feature a symposium on the Value of Classification and Pay Plans for Law School Libraries led by Miss Lucile Elliott, law librarian of the University of North Carolina, who has made a comprehensive study of this important subject for the American Association of Law Libraries.

Oriental Collection Established at University of Washington Law Library

The nucleus of a regional research library in oriental law has recently been established in the law library of the University of Washington. This collection, now containing 1,000 volumes in Chinese, will soon be augmented by 1,400 volumes of Japanese law. When completed the collection will be the largest of its type owned by any university west of the Mississippi. Dr. Beardsley, who for many years has been endeavoring to obtain an oriental collection for his great library, made this statement: "Due to the favorable position which this library possesses in relation to the Orient, it has been my belief and the belief of the law faculty as a whole, that this is the ideal place to build up such a collection." He said further that the books will be valuable not only to attorneys and law students, but also to those enrolled in political science, history and oriental studies.

A.A.L.L. Members Contribute to Library Literature

Professional Aspects of Law Librarianship is the title of an instructive and stimulating article by Frederick C. Hicks, law librarian of Yale University, in

the June, 1940, number of *College and Research Libraries*. The March, 1940, number of this same periodical contains an article written by another member of the A.A.L.L. Fred Rothman, supervisor of the serials section of Washington Square Library, New York University, and Sidney Ditzion, reference assistant in charge of the serials division of the College of the City of New York, are the authors of *Prevailing Practices in Handling Serials*. Mr. Rothman, who is active in the Law Library Association of Greater New York, is a new member of the A.A.L.L.

How to Find The Law (3rd ed. 1940) by Henry J. Brandt contains several chapters written by A.A.L.L. members. Samuel E. Thorne, associate professor of law and law librarian of Northwestern University, contributed chapters 16 to 18 inclusive on "Decisions as Precedents" and "Construction of Statutes"; Professor Eldon R. James, librarian of the Harvard Law School, is the author of the chapter entitled "English Legal Reference Materials" and Harry Shriver, reference assistant in the Law Library of Congress, prepared the chapter on "How to Find the Law of Administrative Agencies."

Carolina Law Library Association Admitted as First Chapter of A.A.L.L.

The Carolina Law Library Association, which was admitted as a chapter of the A.A.L.L. at the Toronto meeting, held its semi-annual meeting on May 17th in the law library of the University of North Carolina. Officers elected for 1940-41 are: President, Miss Mary Covington, reference law librarian of Duke University, Vice-President, Mr. Donald Gulley, librarian of Wake Forest College of Law Library, and Secretary, Mrs. Helen Maltby Lumpkin, reference law librarian of the University of North Carolina. The first regional association of law librarians in the United States, the C.L.L.A. is the first local or regional group to be admitted as a chapter of the A.A.L.L.

Law Library Association of Greater New York Meets in Library of Root, Clark, Buckner and Ballantine

The members of the Law Library Association of Greater New York were invited to hold an informal meeting in the library of Root, Clark, Buckner and Ballantine at 31 Nassau Street, on Tuesday evening, May 7, 1940. The opportunity to inspect one of the larger office law libraries attracted a large attendance. Miss Elizabeth Finley, the librarian, presided. She conducted the librarians about the library and stacks, informed them of the methods of her active institution, and answered numerous questions. The meeting was highly instructive and it was decided advisable to arrange for similar gatherings in other libraries.

Law Librarian's Society of Washington, D. C., Holds Question Box Session

Mildred L. Dager, assistant librarian, Department of Justice Library, and chairman of the committee on law library science of the Law Librarian's Society of Washington, D. C., conducted a "question box" session at the Society's May 8th meeting held at the Burlington Hotel. John T. Vance, law librarian of Congress and president of the Society, presided.

KEY TO THE YEAR OF DECISION OF ANY CASE IN THE UNITED STATES SUPREME COURT REPORTS†

Devised and Arranged by I. J. LOWE

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Member of the Legal Staff of the Solicitor, Department of Agriculture

Introduction

IT IS HARDLY necessary to elaborate upon the importance of ascertaining the year of the decision of a case, for the date indicates the historical or chronological significance of the decision.

This newly discovered key enables the searcher to find at once the year of the decision of any case appearing in the reports of the United States Supreme Court, from its organization to the October term of 1939, without reference to the reports. It will be particularly useful to those who have occasion to write briefs and refer to the opinions of the United States Supreme Court. Moreover, it may be pointed out that this accurate, time and labor-saving device will be helpful, not only to the profession but also to the judicial, legislative and executive departments of the Government.

Since some volumes of the United States Reports contain decisions of the Supreme Court decided in different years, the page references indicate the change of the year of the decisions in such volumes. The brackets indicate the exact volume in which the change of the year of the decisions takes place.

Illustrations: One desiring to ascertain, for example, the year of the decision or opinion in the case of *Mills v. Duryee*, 7 Cranch (11 U.S.) 481, will find on page 1 of the key, 7 Cranch (11 U.S.), repeated in the left column, and the year of the decision (1813) and the page (287) indicated in the right column. Up to page 287 the cases reported in 7 Cranch (11 U.S.) were decided in 1812, but beginning with page 287 in the said volume, the cases reported were decided in 1813; hence, the year of the decision of the case above mentioned was 1813; or take, for instance, the case, *R. R. Comm. of Calif. v. Pac. Gas & Elec. Co.*, 302 U. S. 388. To ascertain the date of this decision, one will find on page 5 of the key, 302 U. S. repeated and bracketed in the left column, and the year of the decision (1938) and the page (388) indicated in the right column. Up to page 388, the cases reported in Volume 302 were decided in 1937 but, beginning with the page 388 in the said volume, the cases reported were decided in 1938; hence, the year of the decision of the latter case was 1938. This method of ascertaining the year of the decisions of the United States Reports applies to any case therein reported. The name of each case and the year of the decision reported not in chronological order are also given in this key.

The consecutively numbered volumes are also arranged under the names of the learned reporters and under the respective chief justiceships, giving another inkling of the mental climate of the various periods in the history of the United States Supreme Court.

† Keys to the Federal and State Reports and to Reports of Federal Administrative bodies will be published later.—Editor's note.

**Key to the Year of Decision of Any Case in the
United States Supreme Court Reports**

Vol- ume	Reporter	U. S. Reports	Term	Vol- ume	Reporter	U. S. Reports	Term
Under Chief Justice Jay 1789-1795				7	Peters	32	Jan. 1833
3	Dallas	3	Feb. 1794	8	"	33	" 1834
"	"	"	" 1795 (p. 17)*	9	"	34	" 1835
Under Chief Justice Ellsworth 1796-1801				Under Chief Justice Taney 1836-1864			
3	Dallas	3	Feb. 1796 (p. 171)*	10	Peters	35	Jan. 1836
"	"	"	" 1797 (p. 336)*	11	"	36	" 1837
"	"	"	" 1798 (p. 378)*	12	"	37	" 1838
"	"	"	" 1799 (p. 409)*	13	"	38	" 1839
4	"	4	Aug. 1799	14	"	39	" 1840
"	"	"	Feb. 1800 (p. 12)*	15	"	40	" 1841
"	"	"	Aug. 1800 (p. 28)*	16	"	41	" 1842
Under Chief Justice Marshall 1801-1835				1	Howard	42	" 1843
1	Cranch	5	Aug. 1801	2	"	43	" 1844
"	"	"	Dec. 1801 (p. 45)*	3	"	44	" 1845
"	"	"	Feb. 1803 (p. 137)*	4	"	45	" 1846
2	"	6	" 1804	5	"	46	" 1847
"	"	"	" 1805 (p. 280)*	6	"	47	" 1848
3	"	7	" 1805	7	"	48	" 1849
"	"	"	" 1806 (p. 240)*	8	"	49	" 1850
4	"	8	" 1807	9	"	50	" 1850
"	"	"	" 1808 (p. 185)*	10	"	51	Dec. 1850
5	"	9	" 1809	11	"	52	" 1850
6	"	10	" 1810	12	"	53	" 1851
7	"	11	" 1812	13	"	54	" 1851
"	"	"	" 1813 (p. 287)*	14	"	55	" 1852
8	"	12	" 1814	15	"	56	" 1853
9	"	13	" 1815	16	"	57	" 1853
1	Wheaton	14	" 1816	17	"	58	" 1854
2	"	15	" 1817*	18	"	59	" 1855
McIver v. Regan (p. 25) was decided in 1817, but in Volume 15 the year 1816 is given				19	"	60	" 1856
3	Wheaton	16	Feb. 1818	20	"	61	" 1857
4	"	17	" 1819	21	"	62	" 1858
5	"	18	" 1820	22	"	63	" 1859
6	"	19	" 1821	23	"	64	" 1859
7	"	20	" 1822	24	"	65	" 1860
8	"	21	" 1823	1	Black	66	" 1861
9	"	22	" 1824	2	"	67	" 1862
10	"	23	" 1825	1	Wallace	68	" 1863
11	"	24	" 1826	Under Chief Justice Chase 1864-1873			
12	"	25	Jan. 1827	2	Wallace	69	Dec. 1864
1	Peters	26	" 1828	Branson v. LaCross R. R. (p. 283) was decided in 1864, but in Vol. 69 the date 1863 is given.			
2	"	27	" 1829	Fossat v. U. S. (p. 649) was decided in 1864, but in Vol. 69 the date 1863 is given.			
3	"	28	" 1830	3	Wallace	70	Dec. 1865
4	"	29	" 1830	4	"	71	" 1866
5	"	30	" 1831	5	"	72	" 1866
6	"	31	" 1832				

* Since some volumes of the UNITED STATES REPORTS contain decisions of the same term decided in different years, the page references indicate the change of the year of the decisions in such volumes. The brackets indicate the exact volume in which the change of year of the decisions takes place.

Up to and including 17 Otto, 107 U.S., 1794-1882, in the official UNITED STATES REPORTS is given only the term of the decision; hence, this key refers to the term for the period and volumes indicated. Commencing with Volume 108 U. S. and continuing through the following volumes, the official UNITED STATES REPORTS give the exact year of the decision. This key does likewise.

Vol- ume	Reporter	U. S. Reports	Term	Volume U. S. Reports	Decision**
6	Wallace	73	Dec. 1867	108)	1882
7	"	74	" 1868	108)	1883 (p. 18) *
8	"	75	" 1868	109)	1883
"	"	75	" 1869 (p. 330)*	109)	1884 (p. 629)*
9	"	76	" 1869	110	1884
10	"	77	" 1869	111	1884
"	"	"	" 1870 (p. 309)*	112)	1884
11	"	78	" 1870	112)	1885 (p. 670)*
Cook v. Burnley (p. 659) decided in 1867, re- heard in 1869. Cases on p. 678 decided in 1869.				Powers v. Baker (p. 710-711) decided in 1884.	
12	Wallace	79	Dec. 1870	Scharff v. Levy (p. 711-712) decided in 1884.	
Case on page 687 decided in 1872.				113	1885
13	Wallace	80	Dec. 1871	114	1885
14	"	81	" 1871	115	1885
15	"	82	" 1872	116)	1885
16	"	83	" 1872	116)	1886 (p. 167)*
17	"	84	" 1872	117	1886
"	"	"	Oct. 1873 (p. 357)*	118	1886
18	"	85	" 1873	119)	1886
19	"	86	" 1873	119)	1887 (p. 551)*
20	"	87	" 1873	Chicago & N. W. Rwy. v. McLaughlin (p. 566- 581) decided in 1886.	
Under Chief Justice Waite 1874-1888				120	1887
20	Wallace	87	Oct. 1874 (p. 375)*	121	1887
21	"	88	" 1874	122	1887
22	"	89	" 1874	123	1887
23	"	90	" 1874	Under Chief Justice Fuller 1888-1910	
1	Otto	91	" 1875	124	1888
2	"	92	" 1875	125	1888
3	"	93	" 1876	Doolan v. Carr (p. 618-642) decided in 1887.	
4	"	94	" 1876	Addington v. Burke (p. 693) decided in 1887.	
5	"	95	" 1877	126	1888
6	"	96	" 1877	127	1888
7	"	97	" 1877	128	1888
"	"	"	" 1878 (p. 361)*	129	1889
8	"	98	" 1878	130	1889
9	"	99	" 1878	131	1889
10	"	100	" 1879	Cases on pages 390 to 396 decided in 1888.	
11	"	101	" 1879		
12	"	102	" 1880		
13	"	103	" 1880		
14	"	104	" 1881		
15	"	105	" 1881		
16	"	106	" 1882		
17	"	107	" 1882		

Omitted Cases Now Reported in Full***

Ambler v. Whipple, (p. ccvi).....	1872	Bacon v. International Bank, (p. ccxvi).	1881
American Wood Paper Co. v. Heft, (p. xcii).....	1869	Baird v. United States, (p. cvi).....	1872
Andrews v. Congar, (p. clxxxiii).....	1880	Baltimore & Ohio R. R. v. Marshall County Supervisors, (p. xcix).....	1869

** See paragraph 2 supra note *.

*** These cases were discovered after Vol. 130 U. S. was printed. They were embodied in the appendix of Vol. 131 U. S. Since these cases are not chronologically arranged, they are given in this key in alphabetical order, including appendix page and year of decision. One having the name of any of these cases can locate it in this key and at once ascertain the year of the decision.

The appendix in Vol. 131 of the UNITED STATES REPORTS also contains a table of omitted cases in which no questions of law are involved; therefore, these cases are not cited; hence, they are not included in this key.

Bergner v. Palethorp, (p. ceviii).....	1876	Mevs v. Conover, (p. cxlii).....	1877
Boise County Commissioners v. Gorman, (p. cxxv).....	1874	Meyer v. Pritchard, (p. ceix).....	1877
Carson v. Ober, (p. clx).....	1879	Milwaukee and Minnesota Railroad v. Howard, (p. lxxxi).....	1866
Chicago v. Bigelow, (p. xciii).....	1869	Milwaukee & St. Paul Railroad Co. v. Soutter, (p. lxxxvi).....	1868
Clark v. U. S., (p. lxxxv).....	1868	Miramontes v. U. S., (p. lxxxiii).....	1864
Clarke v. U. S., (p. lxxxvi).....	1868	Monger v. Shirley, (p. cx).....	1872
Connecticut General Life Ins. Co. v. Burnstine, (p. cliii).....	1878	Monger v. Shirley, (p. cxxxi).....	1875
Connecticut Mutual Life Ins. Co., Petitioner, (p. clxxx).....	1881	Morris v. Shriner, (p. xci).....	1869
Cox v. U. S. ex rel. McGarrahan, (p. c).....	1870	Nat. Life Ins. Co. v. Scheffer, (p. cciiii).....	1882
Crandall v. Nevada, (p. lxxxiii).....	1867	Nonconnah Turnpike Co. v. Tennessee ex rel. Talley, (p. clviii).....	1877
Crane v. Kansas Pacific Rwy. Co., (p. clxviii).....	1879	O'Reilly v. Edrington, (p. clxxvii).....	1880
Dane v. Chicago Mfg. Co., (p. cxxvi).....	1875	Osborn v. U. S., (p. cxxxvii).....	1876
Davidson v. Lanier, (p. lxxii).....	1861	Patterson v. Hoa's Executrix, (p. lxxxviii).....	1868
Dayton v. U. S., (p. lxxx).....	1866	Peyton v. Heinekin, (p. ci).....	1872
DeLiano v. Gaines, (p. cexiv).....	1880	Phelps v. Edgerton, (p. lxxi).....	1861
Downing v. McCartney, (p. xcviii).....	1870	Phillips, Petitioner, (p. clxvii).....	1879
Dumont v. Des Moines Valley Railroad, (p. clx).....	1879	Phipps v. Sedgwick, (p. cxxxix).....	1878
Elizabeth v. American Nicholson Pavement Co., (p. clxviii).....	1878	Relfe v. Wilson, (p. clxxxix).....	1880
Farlow v. Kelley, (p. cci).....	1881	Rice v. Edwards, (p. clxxv).....	1880
First Nat. Bank of Washington v. Texas, (p. cx).....	1872	Risher v. Smith, (p. clvi).....	1878
Fletcher v. Blake, (p. cxcvii).....	1880	Ruckman v. Bergholz, (p. cxliii).....	1877
Florida v. Anderson, (p. cxxxv).....	1876	Sawyer v. Weaver, (p. cli).....	1878
Flournoy v. Lastrapes, (p. clxi).....	1879	Scruggs v. Memphis & Charleston Railroad, (p. cciv).....	1881
Foree v. McVeigh, (p. cxlii).....	1877	Shannon v. Cavazos, (p. lxxi).....	1858
Gardner v. Goodyear Dental Vulcanite Co., (p. ciii).....	1873	Smith v. Orton, (p. lxxv).....	1866
Garratt v. Seibert, (p. cxv).....	1874	Smoot v. United States, (p. cevi).....	1872
Germanica Nat. Bank v. Case, (p. cxliv).....	1877	Southern v. Hagood, (p. ccxii).....	1878
Gibbs v. Diekma, (p. clxxxvi).....	1880	Stark v. United States, (p. ccv).....	1872
Hand v. Hagood, (p. clxxxi).....	1880	Staten Island Railway Co. v. Lambert, (p. ccxi).....	1878
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Compiled by FORREST DRUMMOND

Law Librarian, University of Chicago

IN ATTEMPTING to fill in gaps in the periodical section of our library we felt the need of a complete list of dealers handling American and British law books to which we could turn in determining to whom to send our list of wants. To meet this need I compiled this list with the aid of law librarians and dealers from all parts of the country. To all of the dealers or publishers listed cards were sent inquiring about the types of law books handled and the symbols accompanying the names indicate the results of this inquiry. Names without symbols are those from whom no replies were received. The symbols indicating materials handled are as follows:

- | | |
|------------------------------|------------------------------------------|
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REPORT ON THE ORGANIZATION OF A COMMITTEE ON STANDARDIZATION IN THE FIELD OF LIBRARY WORK AND DOCUMENTATION (Z39) UNDER THE PROCEDURE OF THE AMERICAN STANDARDS ASSOCIATION (ASA)

UPON request made by the American Library Association and three other organizations, the Special Libraries Association, Medical Library Association and American Association of Law Libraries, a committee on Standardization in the Field of Library Work and Documentation (Z39) was organized this year under the procedure of the American Standards Association (ASA). At its San Francisco meeting, June, 1939, the ALA accepted the sponsorship for this committee and invitations to appoint representatives were sent out on behalf of the ALA by the American Standards Association to a number of organizations, a list of which had been approved by the ALA.

The new ASA committee held its first meeting in New York on March 15, 1940, at which the following organizations were represented:

American Association of Law Libraries, American Council of Learned Societies, American Documentation Institute, American Library Association, American Library Institute, Association of Colleges and Reference Libraries, Association of Research Libraries, Bibliographical Society of America, Medical Library Association, National Research Council, Special Libraries Association.

The purpose of this meeting was to decide how the work of Committee Z39 should be organized to bring about a coordination and unification of national practices in library work and also, to decide how in matters of international cooperation the committee could function effectively as the authoritative American group to formulate a national opinion representative of a united American front.

The scope of the work to be undertaken by the new ASA committee (Z39) reads as follows:

Standards for concepts, definitions, terminology, letters and signs, practices, methods, supplies and equipment used in the field of library practice.

Robert B. Downs, Director of Libraries, New York University, was elected chairman, and Rollin A. Sawyer, Chairman of the Publications Committee of Public Affairs Information Service and Chief of Economics Division, New York Public Library, was elected secretary. In connection with the international standardization work in this field, which was reviewed at the meeting, it was decided that subcommittees on the following subjects should be organized at once.

Subcommittee No. 1 (Mrs. Eileen R. Cunningham, Librarian, Vanderbilt Medical School, Nashville, Tenn., has been invited to be chairman of this subcommittee.)

To deal with:

- (a) Revision of Reference Data for Periodicals.
- (b) International Code of Abbreviations for Titles of Periodicals.
- (c) Marginal Identification of Periodicals.
- (d) Form and Arrangement of Scientific Periodicals.

Subcommittee No. 2 (Mr. Elwood H. McClelland, Technology Librarian, Carnegie Library, Pittsburgh, has been invited to be chairman of this subcommittee.)

To deal with Bibliographical References.

Subcommittee No. 3 (Mr. Keyes D. Metcalf, Director, Harvard University Libraries, Boston, Mass., has been invited to be chairman of this committee and has accepted).

To deal with Photographic Reproduction of Documents, including reproduction of documents on paper and on films.

An ISA proposal on Card Formats which deals with types of cards designated in English as Publishers' Book Card, Contents Slip, Bibliographical Card and Index Card, was referred to Miss Carolyn F. Ulrich, Chief, Periodicals Division, New York Public Library, to make a study and report her findings at the next meeting.

The ISA proposal on Transcription of Cyrillic Letters was reported to have been held for study by a subcommittee of the ISA Committee on Documentation (ISA 46). The office of the American Standards Association agreed to find out the present status of this proposal.

It is expected that the next meeting of the ASA Committee on Standardization in the Field of Library Work and Documentation will be held in the fall of 1940.

This report was drafted by Miss Carolyn F. Ulrich, Chief, Periodicals Division, New York Public Library, ASA Representative, for the Committee.

Submitted,

SIDNEY B. HILL, *Assistant Librarian,*
Association of the Bar of the City of New York;
A.A.L.L. Representative on the Committee.

BOOK REVIEWS

SURVEY OF INTERNATIONAL ARBITRATIONS, 1794-1938. By A. M. Stuyt. *The Hague, Martinus Nijhoff, 1939. Pp. xi, 479.*

Those who have wished to make a careful and exhaustive study of the arbitral treatment of concrete legal problems have been confronted with difficulties because, until the appearance of Dr. Stuyt's book, bibliography has served the historian rather than the international lawyer. There was no sound guide to the records of international arbitration. Search for legal materials had to be made under appropriate headings in general guides for the foreign affairs of specific countries, such as Bemis and Gardner, *A Guide to the Diplomatic History of the United States, 1775-1921* (Washington, Government Printing Office, 1935) and Langer and Armstrong, *Foreign Affairs Bibliography* (New York, Harpers, 1933). The process was slow and often not complete. While careful use of the judicial sections of such periodicals as the *American Journal of International Law* filled many lacunae, it was open to the same censure. Search of the classic sources¹ for the full legal record of arbitrations was also subject to like objections, as well as to the additional charge that there had been no systematic listing of twentieth century arbitrations not conducted under the auspices of The Hague Court, the Permanent Court of International Justice, or the Mixed Arbitral Tribunals sitting under the peace treaties of 1919-1920.

Dr. Stuyt's book marks the end of the greater part of these troubles, because he has sought to list the international arbitrations which have taken place in the period 1794-1938 and to indicate sources in which their records may be found.

Dr. Stuyt has not confined himself to cases solely within the technical definition of international arbitration. He has included some cases in which one party to the dispute was not a state, on the ground that their international character justifies it. He has also included in an appendix postal arbitrations and the work of commissions of inquiry, the Central American Court of Justice, the Committee of Experts, and commissions of conciliation. With rare wisdom he has excluded prize decisions and thoroughly analyzed judgments of the Permanent Court of International Justice.

His technique is particularly effective. He has arranged his materials in chronological order and presented the data on each case in outline form under four headings. The first heading names the parties to the dispute; the second, the person or persons composing the tribunal; the third, the treaties regulating the settlement of the dispute; the fourth, its disposition. The third and fourth headings are broken down into subdivisions. The fourth is often a veritable gold mine of information, because it discloses the date of the award, the suc-

¹ LaFontaine, *PASICRISIE INTERNATIONALE* (Berne, 1902); Lapradelle-Politis, *RECUEIL DES ARBITRAGES INTERNATIONAUX* (Paris, 1923); Lauterpacht, *ANNUAL DIGEST OF PUBLIC INTERNATIONAL LAW CASES* (Longmans, 1932-1940); Moore, *HISTORY AND DIGEST OF INTERNATIONAL ARBITRATIONS TO WHICH THE UNITED STATES HAS BEEN A PARTY* (Washington, 1898).

cessful party, the execution of the award and primary and secondary material available on the case.

With this method of selection and technique of presentation Dr. Stuyt has brought within his listing the vast array of international differences which have been settled by peaceful means under legal procedure. The fact that the listings are not complete and that not all the available archives have been examined is but a challenge to further search for such records. The consistent use of the outline form is an invitation to annotation. In its present form Dr. Stuyt's book is an indispensable and comfortable companion to those who work in the field of international arbitration and a stimulant to further bibliographic experiments of this type.

PHOEBE MORRISON.

Yale University Law School.

YOUR FEDERAL CIVIL SERVICE. By James C. O'Brien and Philip P. Marenberg. Funk and Wagnalls Co., 1940. 501 pages. \$2.50.

The reason for so much misinformation and mystery about so many people, about so many institutions, and about so many fields of knowledge is that their presentation, by either the written or spoken word, has been definitely dull and humdrum. Mediocrity, Inaccuracy and Fear have written too many textbooks. Shakespeare's genius has received the scoffs of the school boy because the criticism of the great English writer has put the lad to sleep rather than making him more alert to great literature.

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Here are a few of the chapters: "Recruiting for Government Jobs," "Filling out the Application," "Physical Requirements," "The Written Test," "The Oral Examination," "Education and Experience Ratings," "The Personal Investigation," "The Right of Appeal," "Retirement Benefits."

Samuel H. Ordway, Jr., President of the National Civil Service Reform League, states in the Preface:

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MATTHEW A. MCKAVITT.

Department of Justice Library.

A PAGE FROM THE EDITOR'S LETTER BOOK

A Bibliographical Note from Fergus V. Russel

To the Editor:

I am inclosing something for the LAW LIBRARY JOURNAL if you think it worth publishing. For years I was very close to the judges of the Illinois Supreme Court and was on terms of friendship with all of them. When Judge Cooke wrote this opinion and it was called to my attention I was very much impressed. I have carried it in mind for years and recently it occurred to me that it should not be forgotten but called to the attention of the law librarians and printed in the JOURNAL.

A Bibliographical Note from *Fergus v. Russel*, 270 Ill. 304, 336 (1915). A comparison by Chief Justice Cooke of the case of *Wilkes v. Rex* as reported in 4 Brown P.C. 360 and Wilmot's Notes of Opinions, 322. A rare contribution to judicial lore.

" * * * At common law the Attorney General was the law officer of the Crown and its chief representative in the courts. (*Wilkes v. Rex*, 4 Brown P.C. 360). We have had our attention called to but one case which disagrees with this proposition, and that is the case of *Wilkes v. The King*, as reported in Wilmot's Notes of Opinions, 322. This is the same case as *Wilkes v. Rex* and purports to be compiled from the notes of Lord Wilmot, who delivered the reasons for the judgment entered by the House of Lords. By this report of the case the court took the view that the Attorney General was not the chief representative of the Crown in the courts but that the king might designate anyone he chose to represent the Crown. This report of the case is in conflict with that in 4 Brown P.C. The irreconcilable variance between these two reports is probably accounted for by the manner in which Wilmot's Notes of Opinions was compiled and printed. Lord Wilmot died in 1792. The Notes of Opinions was published in 1802 from manuscripts found among his effects. The work contains a preface which states the circumstances under which the notes were published, and referring to these manuscripts or notes says: 'They were certainly not intended by the learned judge for publication, and some of them are not perfect. There is no doubt but

they would have been equally valuable if they had all received his last correction, and still more if his modesty had permitted him to revise them with a view to publication. As it is, the profession and the public will make allowance for the disadvantages under which they are presented to them.' As this report of the Wilkes case is not only out of harmony with the other report of the same case but also with other reputable authority on this question, and in a sense discredited by the publisher in the preface to the work containing it, we do not regard it as authority * * *."

It seems to me that this analysis of conflicting reports of the same case by a learned judge should not be lost sight of, but should be brought to the attention of the law librarians, who are now becoming about the only sources of authority on legal bibliography.

Yours very truly,

FRANK E. CHIPMAN.

May 15, 1940
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